

## UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA

v.

**GARY ALAN HAPPEL****JUDGMENT IN A CRIMINAL CASE**

)

) Case Number: **0862 1:21CR00037-001**

)

) USM Number: **07772-029**

)

**David E. Mullin**

Defendant's Attorney

 **ORIGINAL JUDGMENT** **AMENDED JUDGMENT**

Date of Most Recent Judgment:

**THE DEFENDANT:** pleaded guilty to count(s) 1 of the Indictment filed on June 15, 2021 pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court. was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)	Possession with Intent to Distribute a Controlled Substance	01/25/2021	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) \_\_\_\_\_ Count(s) \_\_\_\_\_ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

**C.J. Williams**  
**United States District Court Judge**

Name and Title of Judge

May 25, 2022

Date of Imposition of Judgment

Signature of Judge

May 27, 2022

Date

DEFENDANT: **GARY ALAN HAPPEL**  
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## PROBATION

- The defendant is hereby sentenced to probation for a term of:

## IMPRISONMENT

- The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **60 months on Count 1 of the Indictment.**
- The court makes the following recommendations to the Federal Bureau of Prisons:  
**It is recommended that the defendant be designated to a Bureau of Prisons facility as close to the defendant's family as possible, commensurate with the defendant's security and custody classification needs.**  
**It is recommended that the defendant participate in the Bureau of Prisons' 500-Hour Comprehensive Residential Drug Abuse Treatment Program or an alternate substance abuse treatment program.**

- The defendant is remanded to the custody of the United States Marshal.

- The defendant must surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.     p.m.    on \_\_\_\_\_ .

as notified by the United States Marshal.

- The defendant must surrender for service of sentence at the institution designated by the Federal Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_ .

as notified by the United States Marshal.

as notified by the United States Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
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DEPUTY UNITED STATES MARSHAL

DEFENDANT: **GARY ALAN HAPPEL**  
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## SUPERVISED RELEASE

- Upon release from imprisonment, the defendant will be on supervised release for a term of:  
**10 years on Count 1 of the Indictment.**

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## MANDATORY CONDITIONS OF SUPERVISION

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.  
The defendant must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.  
 The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future controlled substance abuse. (*Check, if applicable.*)
- 4)  The defendant must cooperate in the collection of DNA as directed by the probation officer. (*Check, if applicable.*)
- 5)  The defendant must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. (*Check, if applicable.*)
- 6)  The defendant must participate in an approved program for domestic violence. (*Check, if applicable.*)

The defendant must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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## STANDARD CONDITIONS OF SUPERVISION

As part of the defendant's supervision, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for the defendant's behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in the defendant's conduct and condition.

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) The defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.

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## SPECIAL CONDITIONS OF SUPERVISION

*The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:*

1. **The defendant must submit the defendant's person, property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.**
2. **The defendant must participate in a substance abuse evaluation. The defendant must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. The defendant must participate in a program of testing for substance abuse. The defendant must not attempt to obstruct or tamper with the testing methods.**

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

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Defendant

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Date

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United States Probation Officer/Designated Witness

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Date

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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<b>TOTALS</b>	<u>Assessment</u>	<u>AVAA Assessment<sup>1</sup></u>	<u>JVTA Assessment<sup>2</sup></u>	<u>Fine</u>	<u>Restitution</u>
	<b>\$ 100(paid)</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 20,000</b>	<b>\$ 0</b>

- The determination of restitution is deferred until \_\_\_\_\_ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss<sup>3</sup></u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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**TOTALS**      \$ \_\_\_\_\_      \$ \_\_\_\_\_

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

<sup>1</sup>Amy, Vicky, and Amy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

<sup>2</sup>Justice for Victims of Trafficking Act of 2015, 18 U.S.C. § 3014.

<sup>3</sup>Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  \$ **20,100** due immediately;
- not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (*e.g., weekly, monthly, quarterly*) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (*e.g., months or years*), to commence \_\_\_\_\_ (*e.g., 30 or 60 days*) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (*e.g., weekly, monthly, quarterly*) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (*e.g., months or years*), to commence \_\_\_\_\_ (*e.g., 30 or 60 days*) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (*e.g., 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

**It is ordered that \$20,000 of the defendant's fine is payable immediately and the balance is due immediately in accordance with the following payment plan. If any of the defendant's court ordered financial obligations are still owed while the defendant is incarcerated, the defendant must make monthly payments in accordance with the Bureau of Prisons Financial Responsibility Program. The amount of the monthly payments will not exceed 50% of the funds available to the defendant through institution or non-institution (community) resources and will be at least \$25 per quarter. If the defendant still owes any portion of the financial obligation(s) at the time of release from imprisonment, the defendant must pay it as a condition of supervision and the United States Probation Office will pursue collection of the amount due pursuant to a payment schedule approved by the Court. The defendant must notify the United States Attorney for the Northern District of Iowa within 30 days of any change of the defendant's mailing or residence address that occurs while any portion of the financial obligation(s) remains unpaid.**

The \$100 special assessment was paid on May 25, 2021, receipt #IAN1100155.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
- Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant must pay the cost of prosecution.
- The defendant must pay the following court cost(s):
- The defendant must forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

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DISTRICT: **Northern District of Iowa**

## **STATEMENT OF REASONS**

(Not for Public Disclosure)

*Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony and Class A misdemeanor cases.*

### **I. COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT**

- A.  **The court adopts the presentence investigation report without change.**
- B.  **The court adopts the presentence investigation report with the following changes:** *(Use Section VIII if necessary)*  
*(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report)*
1.  **Chapter Two of the United States Sentencing Commission Guidelines Manual** determinations by court: *(briefly summarize the changes, including changes to base offense level, or specific offense characteristics)*
  2.  **Chapter Three of the United States Sentencing Commission Guidelines Manual** determinations by court: *(briefly summarize the changes, including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility)*
  3.  **Chapter Four of the United States Sentencing Commission Guidelines Manual** determinations by court: *(briefly summarize the changes, including changes to criminal history category or scores, career offender status, or criminal livelihood determinations)*
  4.  **Additional Comments or Findings:** *(include comments or factual findings concerning any information in the presentence report, including information that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions; any other rulings on disputed portions of the presentence investigation report; identification of those portions of the report in dispute but for which a court determination is unnecessary because the matter will not affect sentencing or the court will not consider it)*
- C.  **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.**  
*Applicable Sentencing Guideline: (if more than one guideline applies, list the guideline producing the highest offense level)*

### **II. COURT FINDINGS ON MANDATORY MINIMUM SENTENCE** *(Check all that apply)*

- A.  One or more counts of conviction carry a mandatory minimum term of imprisonment and the sentence imposed is at or above the applicable mandatory minimum term.
- B.  One or more counts of conviction carry a mandatory minimum term of imprisonment, but the sentence imposed is below the mandatory minimum term because the court has determined that the mandatory minimum term does not apply based on:  
 findings of fact in this case: *(Specify)*  
 substantial assistance *(18 U.S.C. § 3553(e))*  
 the statutory safety valve *(18 U.S.C. § 3553(f))*
- C.  No count of conviction carries a mandatory minimum sentence.

### **III. COURT DETERMINATION OF GUIDELINE RANGE: (BEFORE DEPARTURES OR VARIANCES)**

Total Offense Level: 27

Criminal History Category: I

Guideline Range: *(after application of §5G1.1 and §5G1.2)* 70 to 87 months

Supervised Release Range: 2 to 5 years

Fine Range: \$ 25,000 to \$ 10,000,000

- Fine waived or below the guideline range because of inability to pay.

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DISTRICT: **Northern District of Iowa**

## STATEMENT OF REASONS

### IV. GUIDELINE SENTENCING DETERMINATION (*Check all that apply*)

- A.  The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range does not exceed 24 months.
- B.  The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range exceeds 24 months, and the specific sentence is imposed for these reasons: (*Use Section VIII if necessary*)  
**The sentence was imposed after considering all the factors set forth in 18 U.S.C. § 3553(a) as dictated into the record at the time of sentencing.**
- C.  The court departs from the guideline range for one or more reasons provided in the Guidelines Manual. (*Also complete Section V*)
- D.  The court imposed a sentence otherwise outside the sentencing guideline system (*i.e.*, a variance). (*Also complete Section VI*)

### V. DEPARTURES PURSUANT TO THE GUIDELINES MANUAL (*If applicable*)

#### A. The sentence imposed departs: (*Check only one*)

- above the guideline range
- below the guideline range

#### B. Motion for departure before the court pursuant to: (*Check all that apply and specify reason(s) in sections C and D*)

##### 1. Plea Agreement

- binding plea agreement for departure accepted by the court
- plea agreement for departure, which the court finds to be reasonable
- plea agreement that states that the government will not oppose a defense departure motion

##### 2. Motion Not Addressed in a Plea Agreement

- government motion for departure
- defense motion for departure to which the government did not object
- defense motion for departure to which the government objected
- joint motion by both parties

##### 3. Other

- Other than a plea agreement or motion by the parties for departure

#### C. Reasons for departure: (*Check all that apply*)

- |  |                                      |                                 |                                   |                                 |                                    |
|--|--------------------------------------|---------------------------------|-----------------------------------|---------------------------------|------------------------------------|
| <input type="checkbox"/> 4A1.3   | Criminal History Inadequacy          | <input type="checkbox"/> 5K2.1  | Death                             | <input type="checkbox"/> 5K2.12 | Coercion and Duress                |
| <input type="checkbox"/> 5H1.1   | Age                                  | <input type="checkbox"/> 5K2.2  | Physical Injury                   | <input type="checkbox"/> 5K2.13 | Diminished Capacity                |
| <input type="checkbox"/> 5H1.2   | Education and Vocational Skills      | <input type="checkbox"/> 5K2.3  | Extreme Psychological Injury      | <input type="checkbox"/> 5K2.14 | Public Welfare                     |
| <input type="checkbox"/> 5H1.3   | Mental and Emotional Condition       | <input type="checkbox"/> 5K2.4  | Abduction or Unlawful Restraint   | <input type="checkbox"/> 5K2.16 | Voluntary Disclosure of Offense    |
| <input type="checkbox"/> 5H1.4   | Physical Condition                   | <input type="checkbox"/> 5K2.5  | Property Damage or Loss           | <input type="checkbox"/> 5K2.17 | High-Capacity Semiautomatic Weapon |
| <input type="checkbox"/> 5H1.5   | Employment Record                    | <input type="checkbox"/> 5K2.6  | Weapon                            | <input type="checkbox"/> 5K2.18 | Violent Street Gang                |
| <input type="checkbox"/> 5H1.6   | Family Ties and Responsibilities     | <input type="checkbox"/> 5K2.7  | Disruption of Government Function | <input type="checkbox"/> 5K2.20 | Aberrant Behavior                  |
| <input type="checkbox"/> 5H1.11  | Military Service                     | <input type="checkbox"/> 5K2.8  | Extreme Conduct                   | <input type="checkbox"/> 5K2.21 | Dismissed and Uncharged Conduct    |
| <input type="checkbox"/> 5H1.11  | Charitable Service/Good Works        | <input type="checkbox"/> 5K2.9  | Criminal Purpose                  | <input type="checkbox"/> 5K2.22 | Sex Offender Characteristics       |
| <input type="checkbox"/> 5K1.1   | Substantial Assistance               | <input type="checkbox"/> 5K2.10 | Victim's Conduct                  | <input type="checkbox"/> 5K2.23 | Discharged Terms of Imprisonment   |
| <input type="checkbox"/> 5K2.0   | Aggravating/Mitigating Circumstances | <input type="checkbox"/> 5K2.11 | Lesser Harm                       | <input type="checkbox"/> 5K2.24 | Unauthorized Insignia              |
| <input type="checkbox"/> Other Guideline Reason(s) for Departure, to include departures pursuant to the commentary in the <u>Guidelines Manual</u> : ( <i>see "List of Departure Provisions" following the Index in the Guidelines Manual.</i> ) ( <i>Please specify</i> ) |                                      |                                 |                                   |                                 |                                    |

#### D. State the basis for the departure. (*Use Section VIII if necessary*)

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**DISTRICT:** Northern District of Iowa

## **STATEMENT OF REASONS**

#### **VI. COURT DETERMINATION FOR A VARIANCE (*If applicable*)**

- A. The sentence imposed is: (Check only one)

  - above the guideline range
  - below the guideline range

- B. Motion for a variance before the court pursuant to:** (Check all that apply and specify reason(s) in sections C and D)

## 1. Plea Agreement

- binding plea agreement for a variance accepted by the court
  - plea agreement for a variance, which the court finds to be reasonable
  - plea agreement that states that the government will not oppose a defense motion for a variance

## **2. Motion Not Addressed in a Plea Agreement**

- government motion for a variance
  - defense motion for a variance to which the government did not object
  - defense motion for a variance to which the government objected
  - joint motion by both parties

### 3. Other

- Other than a plea agreement or motion by the parties for a variance

- C. 18 U.S.C. § 3553(a) and other reason(s) for a variance (*Check all that apply*)**

- The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1):

  - Mens Rea
  - Extreme Conduct
  - Dismissed/Uncharged Conduct
  - Role in the Offense
  - Victim Impact
  - General Aggravating or Mitigating Factors: *(Specify)*

- The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1):

- |  |   |
|--|---|
| <input type="checkbox"/> Aberrant Behavior                           | <input type="checkbox"/> Lack of Youthful Guidance      |
| <input checked="" type="checkbox"/> Age                              | <input type="checkbox"/> Mental and Emotional Condition |
| <input type="checkbox"/> Charitable Service/Good Works               | <input type="checkbox"/> Military Service               |
| <input type="checkbox"/> Community Ties                              | <input type="checkbox"/> Non-Violent Offender           |
| <input type="checkbox"/> Diminished Capacity                         | <input type="checkbox"/> Physical Condition             |
| <input type="checkbox"/> Drug or Alcohol Dependence                  | <input type="checkbox"/> Pre-sentence Rehabilitation    |
| <input type="checkbox"/> Employment Record                           | <input type="checkbox"/> Remorse/Lack of Remorse        |
| <input checked="" type="checkbox"/> Family Ties and Responsibilities | <input type="checkbox"/> Other: <i>(Specify)</i>        |

## **Education and performance on supervision**

- Issues with Criminal History: *(Specify)*

To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (*18 U.S.C. § 3553(a)(2)(A)*)

To afford adequate deterrence to criminal conduct (*18 U.S.C. § 3553(a)(2)(B)*)

To protect the public from further crimes of the defendant (*18 U.S.C. § 3553(a)(2)(C)*)

To provide the defendant with needed educational or vocational training (*18 U.S.C. § 3553(a)(2)(D)*)

To provide the defendant with medical care (*18 U.S.C. § 3553(a)(2)(D)*)

To provide the defendant with other correctional treatment in the most effective manner (*18 U.S.C. § 3553(a)(2)(D)*)

To avoid unwarranted sentencing disparities among defendants (*18 U.S.C. § 3553(a)(6)*) (*Specify in section D*)

To provide restitution to any victims of the offense (*18 U.S.C. § 3553(a)(7)*)

Acceptance of Responsibility       Conduct Pre-trial/On Bond       Cooperation Without Government Motion for Departure

Early Plea Agreement       Global Plea Agreement

Time Served (*not counted in sentence*)       Waiver of Indictment       Waiver of Appeal

Policy Disagreement with the Guidelines (*Kimbrough v. United States*, 552 U.S. 85 (2007))      (*specify*):

Other: *(Specify)*

- D. State the basis for a variance. (Use Section VIII if necessary)

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DISTRICT: **Northern District of Iowa**

## **STATEMENT OF REASONS**

### **VII. COURT DETERMINATIONS OF RESTITUTION**

- A.  **Restitution not applicable.**
- B. **Total amount of restitution:** \$ \_\_\_\_\_
- C. **Restitution not ordered:** *(Check only one)*
1.  For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
  2.  For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
  3.  For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
  4.  For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s)'s losses were not ascertainable (18 U.S.C. § 3664(d)(5)).
  5.  For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s) elected to not participate in any phase of determining the restitution order (18 U.S.C. § 3664(g)(1)).
  6.  Restitution is not ordered for other reasons: *(Explain)*
- D.  **Partial restitution is ordered for these reasons:** *(18 U.S.C. § 3553(c))*

### **VIII. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE** *(If applicable)*

Defendant's Residence  
Address:  
Defendant's Mailing  
Address:

**403 Elm Street  
Ladora, Iowa 52251**

Defendant's Date of Birth: **December 10, 1961**

**C.J. Williams**  
**United States District Court Judge**

Name and Title of Judge

**May 25, 2022**

Date of Imposition of Judgment

Defendant's Soc. Sec. No.: **479-56-5789**



Signature of Judge

**May 27, 2022**

Date